

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10186-2022

DATE OF DECISION: MARCH 15, 2022

AATISH ASHOK RAWAT & OTHERS ...PETITIONERS

VERSUS

U.T. CHANDIGARH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIPIN MAHAJAN, ADVOCATE
FOR THE PETITIONERS.

MR. SUMIT JAIN, ADDL.P.P., FOR U.T., CHANDIGARH.

MS. SHWETA BAWA, ADVOCATE FOR
RESPONDENTS NO.2 AND 3.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.20 dated 2.2.2022, under Section 420, 120-B IPC, Police Station Central Sector 17, Chandigarh, who are in custody since their arrest on 10.2.2022.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Chandigarh, in the order dated 28.2.2022, are as under:-

“As is transpired from the record, the FIR in the present case under Sections 420, 120-B IPC was registered on the basis of complaint filed by Rahul Rawat son of Krishan Kanhaiya. Allegedly, he visited Axis Bank to withdraw money from his father’ Axis bank account No.910010043538255 in Sector 17 as his father was ill. Since no money was available in his account, he made call to his father who informed that there was enough

amount including fixed deposit of Rs.15 lacs in the said account. As he (complainant) checked the bank statement, he found that on 28.01.2022, 29.01.2022, 30.01.2022, 31.01.2022, amount of Rs.12,65,000/- was fraudulently withdrawn from his father's account.”

Learned counsel for the petitioners has argued that as per the the allegations, the complainant suffered wrongful loss of approximately ₹12 lakhs, as the accused persons had illegally withdrawn the said amount from his account, but as they are closely related, the matter stands settled with the intervention of the respectables, and money has been returned to the complainant. According to him, on the basis of compromise (Annexure P-2), a separate petition bearing CRM-M-9786-2022 has been filed for quashing of the FIR. He prays for bail.

Learned counsel for the complainant does not dispute the stand of learned counsel for the petitioner and states that indeed the parties have settled the dispute.

Learned counsel for U.T., Chandigarh has pointed out that the investigation in the case is in progress, but the petitioner are confined in judicial custody.

Considering the above background, the custody of the petitioners and the nature of offence, this Court is of the opinion that the further detention of the petitioners may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety

bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 15, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No